



# Illinois Department of Natural Resources

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www.dnr.illinois.gov

JB Pritzker, Governor  
Colleen Callahan, Director

## LAND RECLAMATION DIVISION Memorandum No. 2020-01 (revised)

To: All Coal Mine Operators/Consultants

From: Dan Barkley, Acting Supervisor  
Land Reclamation Division *Daniel W. Barkley*

Date: April 6, 2022

Re: Refuse Cover Variance Policy and SCML-9 Form

Pursuant to 62 Ill. Adm. Code 1816/1817.83(c)(4), following final grading of the refuse pile, coal mine waste shall be covered with a minimum of four feet of the best available, nontoxic and noncombustible material, in a manner that does not impede drainage from the underdrains. The Department may allow less than four (4) feet of cover material based on physical and chemical analyses which show that the requirements of Section 1816/1817.111 through 1816/1817.117 will be met. The Department shall require the addition of neutralization material to be added to the coal mine waste if, based on physical and chemical analyses, this material is needed to prevent acid mine drainage. This subsection (1816/1817.83(c)(4)) is also applicable to the reclamation of fine coal waste (slurry) refuse disposal facilities not meeting the definition of refuse piles.

The Department will only consider proposals for refuse cover variances of less than four (4) feet under very limited and specific circumstances. In short, a demonstration must be made that no other options are available for reclamation and that the proposed variance is at least as protective as four (4) feet of best available cover in its effectiveness to prevent creation of acid mine drainage. Examples of refuse cover variance request proposals include but are not limited to: less than four (4) feet of best available material, synthetic liners combined with less than four (4) feet of best available material, and slurry wetlands.

The Department will not consider refuse cover variance requests that are submitted as part of an initial/new application, Significant Revision, or Insignificant Permit Revision **without prior review and written approval to proceed for further evaluation from the Department.**

Any applicant/operator proposing surface coal mining or reclamation operations that include a refuse cover variance shall first complete and submit the “SCML-9 Refuse Cover Variance Proposals” to the Department for initial review and evaluation by the Refuse Cover Committee. This procedure will increase effective use of staff time and allow for more efficient review of such proposals. The “SCML-9 Refuse Cover Variance Proposals” can be found at the following link on the Department’s website:

<https://www.dnr.illinois.gov/mines/LRD/Pages/FormsApplicationsMemoranda.aspx>

Completed forms and associated documents shall be submitted via email directly to the Refuse Committee Chairperson (Kristi Dodson [kristi.dodson@illinois.gov](mailto:kristi.dodson@illinois.gov)).

The Department will promptly evaluate the proposed refuse cover variance and advise the operator or permittee of a decision via letter on whether the proposal may proceed. Should the Department approve the proposal for further evaluation, this decision letter and the SCML-9 form shall be included as an attachment to Part 9.4.1 of the application for the new/initial permit, significant revision or insignificant permit revision that includes a refuse cover variance. Questions regarding the SCML-9 form or the policy outlined in this memorandum should be directed to the Refuse Committee Chairperson. **The Department suggests communication with the Illinois EPA early in the cover variance request process.**